

**Notice of Allowability**

Application No.

10/040,266

Examiner

Haissa Philogene

Applicant(s)

LYS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/8/03.
2. ☒ The allowed claim(s) is/are 1-79.
3. ☒ The drawings filed on 28 August 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material           | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

Haissa Philogene  
Primary Examiner  
A.U. 2821  
Mar 19 2004

**DETAILED ACTION*****Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose an apparatus and method thereof having at least one light source, supported by one of the pool and the spa, to illuminate a liquid, which is positioned so as to illuminate the liquid with substantially unguided radiation and at least one controller, coupled to the at least one light source and at least one sensor, to control radiation output by the at least one light source based on the at least one detection signal (claims 1, 35, 36, 37); or said at least one controller adapted to determine a readiness for use of the liquid based on the at least one detection signal and further adapted to control radiation output by the at least one light source so as to indicate to a user the readiness for use of the liquid (claims 8, 39); wherein said at least one detection condition includes at least one environmental condition in or external to the liquid, and wherein the at least one sensor is adapted to output at least one detection signal in response to the at least one environmental condition (claims 9, 40) ; or said at least one controller, coupled to the at least one light source and at least one sensor, to control radiation output by the at least one light source based on the at least one detection signal, wherein the at least one detectable condition includes at least one liquid condition of the liquid, and wherein the at least one sensor is adapted to output the at least one detection signal in response to the at least one liquid condition (claims 21, 52); or said at least one controller, coupled to the at least one light source and at least one sensor, to control radiation output by the at least one light source based on

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the at least one detection signal, wherein the at least one detectable condition includes at least one operating condition of the at least one light source, and wherein the at least one sensor is adapted to output the at least one detection signal in response to the at least one operating condition (claims 28, 59); wherein the at least one light source includes means for engaging the at least one light source mechanically and electrically with a conventional light socket supported by the one of the pool and the spa (claim 77). The remaining claims 2-7, 10-20, 22-27, 29-34, 38, 41-51, 53-58, 60-76, 78 and 79 are allowed by virtue of their dependencies on the independent claims. Hence, the examiner has allowed claims 1 through 79.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haissa Philogene whose telephone number is (571) 272-1827. The examiner can normally be reached on 6:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7722.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

hp

Haissa Philogene  
Primary Examiner  
A.U. 2821  
Haissa Philogene